

Notice of Allowability

Application No.

09/576,324

Examiner

Andrew W Wahba

Applicant(s)

KANEKO, MICHIO

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/23/2004.
2. ☒ The allowed claim(s) is/are 3-11.
3. ☒ The drawings filed on 22 May 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


PHIRIN SAM
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 3-11 have been renumbered claims 1-9.
2. Claims 3-11 (renumbered claims 1-9) are allowed. The following is an examiner's statement of reasons for allowance:

With regard to claim 3 (renumbered claim 1), the prior art does not teach or fairly suggest a controller which transmits said plurality of data packets for respective data cells of constant bit rates to said network based on said control information stored in said control memory wherein said controller determines when new control information is processed and whether or not a data cell sent out through a slot immediately before to said network has been a head data cell of the data packet, prevents the data cell, which is carried out at the current transmission cycle, from starting of the transmission based on said new control information, if the data cell sent out through a slot immediately before has been the head data cell, and starts the transmission of the data cell of a constant bit rate at the current transmission cycle based on said new control information, if the data cell sent out through a slot immediately before has not been the head data cell.

With regard to claim 10 (renumbered claim 8), the prior art does not teach or fairly suggest after completion of the processing for all the pieces or control information in said shaper link list, linking control information linked with a head portion of an additional link list to a last of said shaper link list, and deleting the control information from said additional link list; determining whether or not a data cell sent out through a

slot immediately before is ahead data cell of the data packet; and if the data cell sent out through said slot immediately before is not the head data cell of the data packet, transmitting the data cell based on the control information added to said shaper link list.

With regard to claim 11 (renumbered claim 9), the prior art does not teach or fairly suggest referring to control information processed through a slot immediately before, and determining whether or not the processing through the slot immediately before has been transmission of a head data cell of the data packet based on a transmitted data cell count; if the processing through the slot immediately before has not been the transmission of the head data cell of the data packet, transmitting the data cell based on the control information linked with the last of said shaper link list, and updating the control information; and if the processing through the slot immediately before has been the transmission of the head data cell of the data packet, preventing transmission of the data cell of the control information linked with the last of said shaper link list.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272-3078. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted,

Andrew Wahba *AW*
Patent Examiner
January 5, 2005


PHIRIN SAM
PRIMARY EXAMINER